

FILED

MAR 18 2003

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA**

SAMUEL L. KAY, CLERK
U. S. District & Bankruptcy Court
Southern District of West Virginia

Steven Grant

05144-084

(Enter above the full name of the plaintiff
or plaintiffs in this action).

(Inmate Reg.# of each Plaintiff)

VERSUS

CIVIL ACTION NO. 5:03-0229
(Number to be assigned by Court)

Dr. J. Haley / Sued in his Individual Capacity
Bekley F.C.T. / Sued in their Individual And Official
Capacity

(Enter above the full name of the defendant
or defendants in this action).

COMPLAINT

I. Previous Lawsuits

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment?

Yes _____ No ✓

- B. If your answer to A is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline).

1. Parties to this previous lawsuit

Plaintiffs:

N/A

Defendants:

N/A

2. Court (if federal court, name the district; if state court, name the county):

N/A

3. Docket Number:

N/A

4. Name of judge to whom case was assigned:

N/A

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

N/A

6. Approximate date of filing lawsuit:

N/A

7. Approximate date of disposition:

N/A

II. Place of Present Confinement:

Beckley Prison

A. Is there a prisoner grievance procedure in this institution?

Yes ☒

No ☐

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?

Yes ☒

No ☐

C. If your answer is YES:

1. What steps did you take?

I Filed Bp 8, 9, and 10.

2. What was the result?

Granted in Part and Denied in Part. Then continued to Protest

D. If your answer is NO, explain why not:

N/A

III. Parties

(In item A below, place your name and inmate registration number in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of Plaintiff:

Steven Grant #05144-084

Address:

P.O. Box 350 Beaver W.VA 25813

B. Additional Plaintiffs and Address:

N/A

(In item C below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Use item D for the names, positions, and places of employment of any additional defendants.)

- C. Defendant Dr. J. Haley
 is employed as Dentist
 at Beckley F.C.I.
- D. Additional defendants: Beckley F.C.I.
- _____
- _____
- _____

IV. Statement of Claim

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheet if necessary).

See Attached copies
Improper or Inadequate Dental Care
Un Professional or Inappropriate Conduct or
Misconduct By Staff. (claims)
Facts to support claims are listed in Exhibit (1)
(2) and (3) which are BP 8, 9+10.

IV. Statement of Claim (continued):

The matter was continued on the 9 which furthered my denial of treatment By this Institution which then became a violation of my due Process rights & an Eighth Amendment violation, ~~under~~ ~~Cruel~~ & Unusual Punishment with excessive cruelty. They have conspired by changing the story for it was a needle Broken off in my mouth And never Retrieved Not a file.

V. RELIEF

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I seek punitive Damages in excess of 1.5 million Dollars for Psychological And mental Damages cause by not Retrieving needle And Also Damages in excess of 1.5 million Dollars for conspiring to deny Dental treatment which ~~is~~ now causing my teeth to be taken out completely.

V. Relief (continued)

Next I seek DAMAGES of 500 thousand
Dollars for conspiring to violate my
Eighth Amendment Right for misconduct
by staff for its Blatant Disregard
of my Dental Care and their choosing to Delay
my Treatment.

VII. Counsel

- A. If someone other than a lawyer is assisting you in preparing this case, state the person's name:

N/A

- B. Have you made any effort to contact a private lawyer to determine if he or she would represent you in this civil action?

Yes ☒ No ☐

If so, state the name(s) and address(es) of each lawyer contacted:

My Parent Retains Hot Luberman

If not, state your reasons:

N/A

- C. Have you previously had a lawyer representing you in a civil action in this court?

Yes ☐ No ☒

If so, state the lawyer's name and address:

N/A

Signed this 16th day of March 2003
/s/ Anna Grant 05144-084
#

Signature of Plaintiff or Plaintiffs

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 3/16/03
(Date)

/s/ Anna Grant 05144-084
Signature of Movant/Plaintiff #

Signature of Attorney
(if any)

SC-1330.13b

October 2, 1999

Attachment A

EXHIBIT (1)

REQUEST FOR ADMINISTRATIVE REMEDY
INFORMAL RESOLUTION FORM
FBI SECRET, WEST VIRGINIA

The Bureau of Prisons Program Statement on Administrative Remedy Procedures for Inmates states that before an inmate seeks formal review of a complaint, he must try to resolve the complaint informally by presenting it to a staff member. The staff member must also try to resolve the complaint "informally" before the inmate will be given an Administrative Remedy Form.

INMATE'S NAME: Steven Grant NO. 05144-034 UNIT 310

1. Specific Complaint: I've been going to the dentist for over seven months telling him my teeth are still hurting from an adult b. tooth injury. And still I have not gotten my teeth fixed from Dr. Haley. I've reported to Dr. Haley over seven or so occasions, stating that my teeth are so sore that the tooth paste he said to buy was not working for the soreness. He then told me to get it fixed myself. I'm asking that Dr. Haley be disciplined for his incompetence and lack of care. I'm requesting that someone finish the dental work that needs to be done because I'm in pain with no medicine.

2. Relief Requested: I'm asking that Dr. Haley be disciplined for his incompetence and lack of care. I'm requesting that someone finish the dental work that needs to be done because I'm in pain with no medicine.

3. Date/Time Complaint received from inmate: 12-18-02 2 PM

4. Date/Time Informally discussed with inmate: 12-19-02 10 AM

5. Staff Response: Your needs will be taken care of with time and resources.

6. Date Administrative Remedy provided: 12-19-02

7. Informal Resolution was / was not accomplished.

Steven Grant 05144-034 12-15-02
INMATE'S SIGNATURE/REGISTER NO. DATE

[Signature] 12-18-02
STAFF MEMBER'S NAME & TITLE DATE

[Signature] 12/18/02
FBI MANAGER'S SIGNATURE DATE

REMARKS: If the complaint is informally resolved before being requested, the involved staff member shall maintain the informal resolution form for future reference. If the complaint is not informally resolved, forward the original resolution form attached to the Administrative Remedy Form to the Administrative Remedy Officer.

Must give it time to work. As of the moment it's been well over 2 months of taking unsuccessful trips to the dentist. Therefore after signing and filling out several "sick call" forms and informing the staff that my tooth's are aching. On 11-15- I was sent to medical to be examining. I was inform that my teeth were not bleeding and that the nerves were dead for some time. Dr. J. Haley also stated that he made a mistake and broke part of the needle off in my left tooth, and not to worry that it was an old procedure and that it will be ok. I was inform to come back next week so that the doctor could finish cause he's press for time. The following Monday I inform officer Britt that my teeth are aching and that the pain was unbearable. And that the 2 buprofen 800 wasn't taking affect of the pain. So officer Britt called Dr. J. Haley to inform him of my condition, then inform me that it was normal said Dr. J. Haley and to give it some more time to take affect. I was inform that the following Thursday I would see the doctor but no-one came to take me over for my appointment. So I put in a request but I wasn't answered after 3 weeks of pain and hardly no sleep. Then on 12-12-02 I was seen by Dr. J. Haley. I requested to know why after 2 months had gone by I'm still in pain, what went wrong if any and what needed to be done about it. Dr. J. Haley then got very upset and stated to me that if I was trying to fuck your teeth up then by now you wouldn't have any. I asked him why do he use such a unprofessional tone when in fact I'm only asking a question in regarding me. Dr. J. Haley then became more irritated and became more unprofessional about

the situation at hand. He then stated that he don't have to do jack shit for me and ordered the nurse (name unknown) to get a refusal form for me to sign. I inform him that I was in need of dental assistance and that I wasn't signing no refusal. He then call for the officer to escort me back to S. H. U. I hereby testify that this statement is the truth. I been trying to get my teeth fixed from - Dates 4-12-02

to 11-15-02

to 12-12-02

x Steven Bryant

U.S. DEPARTMENT OF JUSTICE
Federal Bureau of Prisons

REQUEST FOR ADMINISTRATIVE REMEDY

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From:

LAST NAME, FIRST, MIDDLE INITIAL.

REG. NO.

UNIT

INSTITUTION**Part A- INMATE REQUEST**

DATE _____

SIGNATURE OF REQUESTER

Part B- RESPONSE

DATE _____

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

SECOND COPY; RETURN TO INMATE

CASE NUMBER: 1579361-1

CASE NUMBER:

Part C- RECEIPT

Return to:

LAST NAME, FIRST, MIDDLE INITIAL.

REG. NO.

UNIT

INSTITUTION

SUBJECT:

DATE _____

 RECIPIENT'S SIGNATURE (STAFF MEMBER)

in my left tooth, and not to worry that it was an old procedure and that it will be okay. I was informed to come back next week so that the doctor could finish cause he's press for time. The following Monday I inform officer Pratt that my teeth are aching and that the pain was unbearable. And that the 2 buprofen 800 wasn't taking affect of the pain. So officer Pratt called Dr. J. Haley to inform him of my condition then inform me that it was normal said Dr. J. Haley and to give it some more time to take affect. I was inform that the following Thursday I would see the doctor but no-one came to take me over for my appointment. So I put in a request but I wasn't answered after 3 weeks of pain and hardly no sleep. Then on 12-12-02 I was seen by Dr. J. Haley. I requested to know why after month's had upore by I'm still in pain. What went wrong if any and what needed to be done about it. Dr. J. Haley then got very upset and stated to me that if I was trying to fuck your teeth up then by now you wouldn't have any. I asked him why do he use such a unprofessional tone when in fact I'm only asking a question in regarding me. Dr. J. Haley then became more irritated and became more unprofessional about the situation at hand. He then stated that he don't have to do jack shit for me and ordered the nurse (name unknown) to get a refusal form for me to sign. I inform him that I was in need of dental assistance and that I wasn't signing no refusal. He then call for the officer to escort me back to S. Hill. I hereby testify that this statement is the truth. I been trying to get my teeth fixed from 11-12-02 to 11-18-02 to 12-12-02

x Steven Grant

REQUEST FOR ADMINISTRATIVE REMEDY
INMATE: GRANT, Steven
Reg. No. 05144-084

BEC-287486-F1

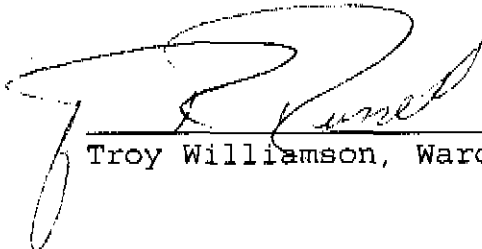
Your Request for Administrative Remedy dated December 21, 2002, received January 9, 2003, alleging poor dental treatment and staff unprofessionalism has been reviewed. Specifically, you complain of constant toothaches and dental staff have not provided proper dental treatment to alleviate the pain. You state during a procedure the dentist broke a needle off inside your tooth, and you were told that was nothing to worry about. Additionally, you allege dental staff became irritated, used profanity, and attempted to have you sign a refusal for treatment form. As relief, you request the staff member be disciplined and your dental work be completed.

A review of your case reveals your root canal was completed on December 19, 2002, and subsequently, you have been prescribed Motrin, Penicillin, and Amoxicillian for pain and possible infection. You were advised if the tooth continued to cause problems the only recourse would be to extract the tooth, which you are unwilling to do. Regarding the broken file inside your tooth, this is an occasional occurrence and should not cause any additional problems. The Chief Dental Officer has reviewed your dental treatment and found you have received appropriate care.

Your allegations of staff misconduct are under investigation. Should any further action be necessary, such action will be taken; however, staff personnel matters are not subject to inmate review.

To the extent an investigation is being undertaken, your Request for Administrative Remedy is partially granted. If dissatisfied with this response, you may appeal to the Regional Director, Bureau of Prisons, Mid-Atlantic Region, 10010 Junction Drive, Suite 100-North, Annapolis Junction, Maryland 20701, within twenty (20) calendar days of the date of this response.

1/30/03
Date


Troy Williamson, Warden

EXTENSION OF TIME FOR RESPONSE - ADMINISTRATIVE REMEDY

DATE: FEBRUARY 3, 2003

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FROM: ADMINISTRATIVE REMEDY COORDINATOR
BECKLEY FCI

TO : STEVEN JOHN HAYES GRANT, 05144-084
BECKLEY FCI UNT: PINE QTR: Z03-008LDS

ADDITIONAL TIME IS NEEDED TO RESPOND TO THE ADMINISTRATIVE REMEDY REQUEST IDENTIFIED BELOW. WE ARE EXTENDING THE TIME FOR RESPONSE AS PROVIDED FOR IN THE ADMINISTRATIVE REMEDY PROGRAM STATEMENT.

REMEDY ID : 287486-F1
DATE RECEIVED : JANUARY 9, 2003
RESPONSE DUE : FEBRUARY 18, 2003
SUBJECT 1 : DENTAL CARE - IMPROPER OR INADEQUATE
SUBJECT 2 : UNPROFESSIONAL, INAPPROPRIATE CONDUCT OR MISCONDUCT BY STAFF
INCIDENT RPT NO:

To Region

On February 3rd, 2003, The warden requested an extension of time in which to investigate my claim. In doing this he has kept my attachment to my (Bp 9) original claim. It has been twenty days and I still have not recieved my attachments. Therefore for the above mentioned reasons I would like to request that my Bp: 10 be constained as timely file. Due to extra ordinary reasons listed above, I have attached the reciept that shows wardens request.

Thank you for you time
in advance.

Shannon Brant